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DIVISION OF DISABILITY AND ELDER SERVICES

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Date: June 26, 2006
To: Nursing Homes
From: Jan Eakins, Chief
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Via: Otis Woods, Director
Bureau of Quality Assurance

DDES-BQA 06-011
Supersedes BQC- 90 -024
NH 07

Section HFS 132.84(2)(e)1. and (f)2. Sharing of toilet facilities between sexes

This memo supersedes BQC memo 90-024. It incorporates the Health Insurance Portability and Accountability Act Standards of 1996 (HIPAA).

The Bureau of Quality Assurance (BQA) continues to grant blanket waivers of section HFS 132.84(2)(e)1., and (f)2., to allow the sharing of toilet facilities between sexes. Effective on the date of this memorandum, facilities must adhere to the following conditions in order to be covered by this waiver:

1. Privacy locks must be installed on the toilet room doors with a quick release mechanism which allows staff to open the doors from the resident room in an emergency.
2. The consent of all residents involved in sharing the toilet facilities with the opposite sex shall be in writing, signed by the residents or their legal representatives, and filed in the residents' records. To comply with HIPAA standards for privacy of individually-identifiable, health information, the facility should not identify the names of the other residents on the resident's consent form.
3. The waiver shall remain in effect as long as the residents and/or rooms do not change, and all other conditions are being met.
4. The Bureau will periodically review facilities' compliance with the condition of this waiver during annual surveys.

A waiver from section HFS 132.84(1)(a) is not required for room-sharing by married couples.

If you have questions about this memorandum, please contact the Regional Field Operations Director assigned to your facility. The names and phone numbers of the Regional Field Operations Directors are listed below:

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